

amounts of money to win larger amounts of money.

That the possession, ownership and use of said gambling device was illegal and contrary to law, and such device is contraband property and forfeited to the State of Alabama, under the terms and provisions of an Act of the Legislature of Alabama, approved July 25th, 1931, and appearing at pages 806-809 of the Acts of said 1931 Legislature of Alabama. That on, to-wit; the 15th day of July, 1938, J. W. McClung, a law enforcement officer for the State of Alabama, did seize the said pin table machine, in Bladwin County, Alabama, while it was in the possession of said Respondent, and did duly report said seizure to the said Ralph L. Jones, as such Solicitor, and said device is being held as contraband property, subject to the orders of this Court.

PRAYER FOR PROCESS.

The premises considered, Complainant prays that the usual process issue out of this Court, directed to the said A. G. Collier, making him a party respondent to this Bill of Complaint, and that he be required to answer, plead or demur to the same within the time and under the penalties prescribed by law, and show cause, if any he has, why the said described machine should not be declared contraband property, and the same, together with its contents, forfeited to the State of Alabama.

PRAYER FOR RELIEF.

Complainant further prays that, upon a final hearing of this cause, Your Honor will enter a decree declaring said seized pin table machine to be a gambling device, and as such to be contraband property and forfeited with its contents to the State of Alabama, and further directing that the same be destroyed and its contents distributed as provided by law.

And Complainant further prays for such other, further and additional relief, decrees and orders as may be necessary to accomplish the condemnation and destruction of said machine, as an illegal gambling device under the laws of Alabama.

Respectfully submitted,

Ralph L. Jones

Solicitor of the 21st Judicial
Circuit of Alabama.

FOOT-NOTE.

Respondent is required to answer each and every allegation contained in paragraphs numbered THIRD and SECOND of this Bill of Complaint, but not under oath, answer under oath being hereby waived.

Ralph L. Jones

Solicitor of the 21st Judicial
Circuit of Alabama.

STATE OF ALABAMA, EX-REL:
RALPH L. JONES, SOLICITOR,

Complainant,

-vs-

A. G. COLLIER,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Now comes the Defendant, and files this, his Demurrer to the Bill of Complaint in this cause filed, and as grounds therefor, says:-

1. That the Bill of Complaint does not contain equity.
2. That this is a proceedings in rem and should be made against the articles therein described.
3. That this proceedings should also be against the articles, machines or mechanisms mentioned in the Bill of Complaint.
4. Without proceedings of condemnation against the articles mentioned in the Bill of Complaint this Court has no authority to condemn the same.
5. Without the articles mentioned in the Bill of Complaint being proceeded against, this Court has no authority to order their destruction.
6. That for aught appearing in the Bill of Complaint said articles, mechanisms or machines in their operation could be influenced by the will or skill of the person operating same.
7. That for aught appearing in the Bill of Complaint the operator could operate the articles, machines or mechanisms therein mentioned so by will or skill as to influence the results of winning or losing.
8. That the allegation in the Bill of Complaint that the articles mentioned therein are gambling devices as defined by the laws of Alabama, is but a conclusion of the pleader.
9. That said device mentioned in the Bill of Complaint is not properly or clearly described by the pleader.
10. That said device being described as a pin table machine with automatic pay-out means nothing, and the statement that such mechanism is a gambling device is nothing more than a conclusion of the pleader.

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11. That said complaint fails to define what a pin table machine is or what a pay-out is, and the allegations that the same is a gambling device is but a conclusion of the pleader.

12. That the said device being described as a Roscoe means nothing, and the statement that such machine is a gambling device is nothing more than a conclusion of the pleader.

Edward A. Rosen
Attorneys for Respondent.

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

A. G. COLLIER,

of BALDWIN County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

STATE OF ALABAMA, EX REL:

Ralph L. Jones, Solicitor,

against said A. G. COLLIER,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 28th day of

July, 193 8.

R. S. Duck

Register

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

THE STATE OF ALABAMA, EX-REL:)	
RALPH L. JONES, SOLICITOR,	(
Complainant,)	IN THE CIRCUIT COURT OF
	(
Vs.)	BALDWIN COUNTY, ALABAMA.
	(
A. G. COLLIER,)	IN EQUITY. NO. <u>463</u>
Respondent.	(

DECREE OF CONFIRMATION.

A decree having heretofore been rendered by this Court on February 1st, 1939, wherein the Sheriff of Baldwin County, Alabama, was ordered to destroy slot machine, namely:

One (1) pin table machine with automatic pay out device;

and, whereas, the sheriff has this day reported to me that the same has been destroyed in accordance with the terms of such decree;

It is, therefore, ordered, adjudged and decreed by the Court that the said report of the said Sheriff be in all things approved and confirmed; and it is hereby ordered that same be and is hereby approved and confirmed.

It is further ordered that the Register of this Court proceed forthwith to carry out the further directions and orders of the decree rendered on the 1st day of February, 1939.

This 27th day of March, 1939.

F. W. Hare
F. W. HARE, Judge Circuit
Court.

THE STATE OF ALABAMA, EX-REL:
RALPH L. JONES, SOLICITOR;
Complainant,

Vs.

A. D. Collier,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 463

TO THE HON. F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA:

In accordance with an order issued by you under date
of February 1st, 1939, I beg to report that I have this day in the
presence of
destroyed the following:

One (1) pin table machine with automatic payout device

I further beg to report that above stated machine
has been completely wrecked and is of no further use or value.

WITNESS my hand this the 19th day of February, 1939.

W. R. Stuart
W. R. STUART, Sheriff of
Baldwin County, Alabama.

THE STATE OF ALABAMA,
EX REL: RALPH L. JONES,
SOLICITOR,
COMPLAINANT.

VS.

A.G. COLLIER.
RESPONDENT.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA. IN EQUITY.

DECREE.

This cause coming on to be heard in Term Time, and the Court having overruled the respondent's demurrer to the bill of complaint, the respondent refuses to plead further. The Court, therefore is of the opinion that the complainant is entitled to the relief prayed for in his bill of complaint, and is entitled to a final decree in this cause condemning the pin-ball table machine, the subject matter of this suit, declaring the same to be contraband property and forfeited to the State of Alabama, along with the contents seized therein, and ordering said machine destroyed and its contents distributed as provided by law.


It is, therefore, ordered, adjudged and decreed by the Court that the pin-ball table machine with an automatic payout device, seized from the possession of the respondent in this suit, as set out in the bill of complaint, be and the same is hereby adjudged and declared to be a gambling device under the laws of the State of Alabama, and the same is hereby adjudged and declared to be contraband property and is condemned and forfeited to the State of Alabama, together with its contents seized therein, as being a gambling device prohibited by law.

It is further ordered and directed by the Court that one-half of the money seized in said machine and now held by the Register of this Court, be paid over by said Register to the officers making the seizure of said machine, and that the remaining one-half of such money be paid over by said Register to the general fund of Baldwin County, Alabama, as provided by law.

It is further ordered and directed by the Court that M.H. Wilkins, former Sheriff of Baldwin County, who now has custody of said machine, deliver the same to the present Sheriff of said County, and that said present Sheriff, in the presence of the Register of this Court, destroy said machine, within twenty days from the date of this decree.

It is further directed and ordered by the Court that the costs of this suit be taxed against the respondent, for which let execution issue. If, however said costs are not collected on or by said execution, the Register shall tax and collect the costs herein from Baldwin County, to be paid as in Criminal cases in which the State fails.

Done, ordered, and decreed in open Court, this the 1st day of February, 1939.



Judge of the Circuit Court of
Baldwin County, Ala. In Equity.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 143

THE STATE OF ALABAMA, EX-REL:
RALPH L. JONES, SOLICITOR
Complainant,

vs.

Respondent.

TO THE HON. F. W. HARR, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA:

In accordance with an order issued by you under date
of February 1st, 1939, I beg to report that I have this day in the

presence of

destroyed the following:

One (1) fine table machine with automatic paper feeder

REPORT OF SHERIFF

I further beg to report that above stated machine
has been completely wrecked and is of no further use or value.
WITNESS my hand this the 19 day of February, 1939.

W. R. STUART
W. R. STUART, Sheriff of
Baldwin County, Alabama.

463

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 463

)
) THE STATE OF ALABAMA, EX-RPT:
) RALPH L. JONES, SOLICITOR,
) Complainant,
)
) Vs.
) A. G. COLLIER,
) Respondent.
)

TO HON. W. R. STUART, SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby commanded in accordance with that
certain decree of this Court made and rendered on the 1st day of
February, 1939, by Hon. F. W. Hare, Judge of said Court, to des-
troy in the presence of the Register of said Court, the following
named articles:
One (1) pin-table machine, with automatic pay-out device;

NOTICE
TO
SHERIFF

The above named property is to be destroyed within
twenty (20) days from the date of said decree.
You are further directed to report to this Court your
compliance with the said decree of condemnation.
WITNESS my hand this 10th day of February, 1939.

R. S. DUCK,
Register of the Circuit Court
of Baldwin County, Alabama,
In Equity.

By: _____
Deputy-Register.

463

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
NO. 463 IN EQUITY.

THE STATE OF ALABAMA, EX-REL:
RALPH L. JONES, SOLICITOR
Complainant,
vs.
A. G. COLLIER, JR.
Respondent.

DECREE OF CONFIRMATION.

A decree having heretofore been rendered by this Court on February 1st, 1939, wherein the Sheriff of Baldwin County, Alabama, was ordered to destroy slot machine, name _____, One (1) pin table machine with automatic pay device; and, whereas, the sheriff has this day reported to me that the same has been destroyed in accordance with the terms of such decree; It is, therefore, ordered, adjudged and decreed by the Court that the said report of the said Sheriff be in all things approved and confirmed; and it is hereby ordered that same be and is hereby approved and confirmed. It is further ordered that the Register of this Court proceed forthwith to carry out the further directions and orders of the decree rendered on the 1st day of February, 1939. This 27th day of March, 1939.

[Signature]
F. W. HARR, Judge Circuit Court.

By *[Signature]*
R. S. DICK
clerk, - register

DECREE OF CONFIRMATION

403

(original)

RECORDED
Duck
7:55

Serve On

Circuit Court of Baldwin County
IN EQUITY

No. 463

Summons

STATE OF ALABAMA, EX REL;

Ralph L. Jones, Solicitor,

Complainant.

VS.

A. G. COLLIER,

Respondent.

Ralph L. Jones.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this

day of August, 1938

Robert L. Lewis
Sheriff.

Executed this 2nd day of

by leaving a copy of the Summons with

A. G. Collier

Defendant

Robert L. Lewis
Sheriff

By *Ralph L. Jones*
Deputy Sheriff

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17. That said complaint shall be filed in the
court in which the cause is pending, and the
complainant shall be notified of the filing
of the same. That the said cause being
pending, and the defendant and each defendant
being notified of the filing of the same.

DECIPIER.

STATE OF ALABAMA, EX-REL:
RALPH L. JONES, SOLICITOR,

Complainant,

-vs-

A. G. COLLIER,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

Filed August 21, 1938

R. S. DUCK

clerk of the court

By Maude Lewis Thompson
Deputy

THE STATE OF ALABAMA,

Ex-Rel: etc.

Complainant,

vs.

A. G. COLLIER,

Respondent.

DECEASED.

Filed February 10, 1939

R. S. DICK

clerk, - register

By *Walter S. Thompson*
Deputy